

Chronology of federal RECLAIM program approval and relevant federal regulatory changes

EPA and SCAQMD Interagency Meeting
San Francisco, CA
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Objectives

- ▶ Identify and review the tools EPA used in its initial RECLAIM program actions.
- ▶ Describe how some of those tools have changed since EPA's initial RECLAIM program actions.

When RECLAIM was adopted in 1993, what guided EPA's initial rulemaking actions?

- ▶ The 1994 EIP (40 CFR Part 51.493) and associated underlying statutory and regulatory requirements. Our application of the EIP resulted in programmatic demonstrations related to planning requirements, RACT, and enforceability.
- ▶ Applicable NSR program regulations (40 CFR Part 51.160-165) as well as relevant statutory requirements under 182(e). Our application of the NSR regulations resulted in demonstrations related to applicability to minor sources, offset ratios and tracking.

How have these tools changed since EPA's initial RECLAIM actions?

- ▶ With respect to the EIP, no substantive changes have occurred although a consolidation of guidance occurred in the late 1990s to capture other program designs.
- ▶ With respect to NSR, EPA has made several revisions to the program, but the most relevant changes occurred with NSR reform in 2002.

How have these tools changed since EPA's initial RECLAIM actions? (continued)

- ▶ A change to the applicability test, which EPA codified in 51.165(a)(2) and described as a change from an actuals to PTE test, to baseline actuals to projected actuals. As an alternative, the regulations allowed the continued use of an actuals to PTE test.
- ▶ To clarify that this change in calculating emission increases only applied to the applicability test, EPA added 51.165(a)(3)(ii)(J), which reads as follows: The total tonnage of increased emissions, in tons per year, resulting from a major modification that must be offset in accordance with section 173 of the Act determined by summing the difference between the allowable emissions after the modification and the actual emissions before the modification for each emissions unit.

Conclusion/Discussion

- ▶ With respect to addressing CAA Section 110(l) in the RECLAIM transition, some of the elements described above (Attainment/RFP, RACT, NSR, and CAA Section 182(e)(3) for example) may need to be analyzed in detail.
- ▶ We assume the 2016 AQMP identifies RECLAIM program actual emission reductions useful in addressing CAA Section 110(l).
- ▶ Throughout the day, some of the elements above will be discussed in more detail.